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REMARKS – General

New Rejections under 35 USC §112

In the most recent OA, original claim 2, and its dependent claims, have been rejected under §112 as being confusing. Specifically, the OA submits that original claim 2 includes a method step in an apparatus claims.

While Applicants note that the action of transmitting may be embodied in software, Applicants have amended claim 2 to recite a --- means for transmitting ---, as such a means is inherent for the means for actuating the transmission to be capable of making the transmission. Support for the amendment is found in claim 2 as originally filed. The amendment is for syntactical purposes only, so as to recite the original claim in a more clear apparatus context. Applicants respectfully submit that the rejection is overcome by way of the amendment. Applicants respectfully request reconsideration of the rejection in light of the amendment.

Rejections under 35 USC§103

The OA rejects claims 1, 2, 4-8, 10-20 and 22 under §103(a) as being unpatentable over Chasek (US Pat. No. 5, 237,507) in view of Edelman et al. (US Pat. No. 6,281,601), herein after “Edelman”. Specifically, with respect to claim 1, the OA submits that Chasek teaches the limitations of claim 1 except for a means for actuating a power machine. The OA submits that Edelman teaches a system for actuating a networked power generation system and that it would be obvious to one of ordinary skill in the art at the time the invention was made to combine Chasek and Edelman to achieve Applicants’ invention.

In prior responses, Applicants respectfully submitted that the combination of Chasek and Edelman fails to teach all of Applicants’ claimed limitations. Applicants respectfully submit that neither the references, the OA, nor the most recent “Response to Arguments” section indicates the where in the references the following limitations are taught:

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CLAIM 1: The combination fails to teach control circuitry that evaluates local data after (support for the amendment to claim 1, replacing "upon" with – after –, is found in claim 10) the receipt of a control signal and before actuation of the power machines. By contrast, as noted in the previous response, Edelman teaches a remote power meter as providing a control signal to the power machine. See e.g. col. 5, lines 18-28 and FIG. 5. Power meters measure power and may be used as sources of data, but do not include means for evaluating data like the price of electricity and hydrocarbons upon the receipt of a command signal. Chasek teaches a central utility computer that monitors information like temperature and demand. See e.g. FIG. 1. This is not control circuitry coupled to the power machine for evaluating local data after receiving a control signal from a central computer.

Applicants are unable to find any indication of these elements in either the OA or the references themselves. Applicants note that according to MPEP §2143, for a prima facie case of obviousness to be made, the references must teach all of the Applicant's claimed limitations. Applicants respectfully submit that the OA does not indicate where, in either reference, these limitations can be found. As such, Applicants very respectfully submit that no prima facie case of obviousness has been made. Applicants respectfully request reconsideration of the rejection in light of these remarks.

CLAIM 10: In addition to the limitations noted with respect to claim 1, Applicants respectfully submit that neither of the references teaches the control circuitry omitting evaluation of the local data upon receipt of the override signal. There is no indication in Edelman that the power meter stops metering power upon the receipt of an override signal. Similarly, there is no indication in Chasek that the central utility computer omits evaluation of local data like temperature and demand upon the receipt of an override signal.

The OA does not indicate where, in either reference, the limitation can be found. As such, Applicants very respectfully submit that no prima facie case of obviousness has been made. Applicants respectfully request reconsideration of the rejection in light of these remarks.

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CLAIM 20: In addition to the limitations mentioned above with respect to claims 1 and 10, Applicants respectfully submit that neither reference teaches isolation of the power machine from the grid when power is not present. The OA does not indicate where, in either reference, the limitation can be found. As such, Applicants very respectfully submit that no prima facie case of obviousness has been made. Applicants respectfully request reconsideration of the rejection in light of these remarks.

Applicants respectfully note that while these omissions of the references were noted in earlier responses, the most recent OA, in the response to Arguments section, offers no guidance as to where these limitations may be found. Applicants respectfully request direction as to where the elements mentioned above may be found in the references.

Claim 21 is rejected under §103 as being unpatentable over Chasek in view of Edelman, further in view of Norris et al. (US Pat. No. 5,510,780), herein after "Norris". Specifically, the OA states that Chasek and Edelman teach the limitations of claim 21 except for licensing of power machines. The OA submits that Norris teaches controlling power generation equipment wherein the power machines are leased.

Applicants rely on the comments above regarding claim 10, as Applicants respectfully submit that no prima facie case of obviousness has been made with respect to independent claim 10 (from which claim 21 depends). Applicants respectfully request reconsideration of the rejection in light of the amendments.

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CONCLUSION

For the above reasons, Applicants believe the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Applicants believe this application is now in condition for allowance, for which they respectfully submit.

Respectfully submitted,



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